

Docket No: 27109-28

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on June 5, 2006.

Judith Stoker



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Denwood F. Ross, III et al.

Paper No:

Serial No.: 10/689,567

Group Art Unit: 3735

Filed: October 20, 2003

Examiner: Theodore C. Shih

For: **Ophthalmoscopy Lens System**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Response to Election Requirement in the above-identified application.

- ☐ additional fee is required.
☒ also attached: Return Receipt Postcard.

The fee has been calculated as shown below:


	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	22	22	0	x \$50 =	\$0
Independent Claims	3	3	0	x \$200 =	\$0
TOTAL FEE DUE					\$0

- ☐ Please charge my Deposit Account No. 04-1133 in the amount of \$.
- ☐ Please charge the amount of \$_____ to our Visa credit card. Form PTO-2038 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any

filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

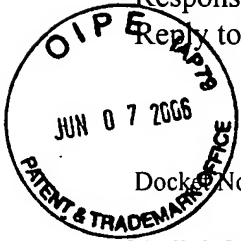


Respectfully submitted,

By: 

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Application No. 10/689,567
Response dated June 5, 2006
Reply to Office Action of May 4, 2006



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Judith Stoker

A handwritten signature in black ink, appearing to read "Judith Stoker", written over a horizontal line.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Denwood F. Ross, III et al.	Paper No:
Serial No.:	10/689,567	Group Art Unit: 3735
Filed:	October 20, 2003	Examiner: Theodore C. Shih
For:	Ophthalmoscopy Lens System	

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 4, 2006, Applicants elect the embodiment shown in Fig. 2 ("Species II"). Claims 11-22 are readable on the elected species.

In the Office Action, the Examiner also stated that each of the identified species is further divided into two subspecies. In the case of the elected species (Fig. 2), the Examiner identified two subspecies: "Subspecies iii characterized by a non spaced-apart relationship between the first and second lens group as seen in claims 16-18; and Subspecies iv characterized by a spaced-apart

relationship between the first and second lens group as seen in claims 19-22. To the extent that the Examiner is requiring an election between these two subspecies, Applicants elect, with traverse, subspecies iv. Claims 11-22 are readable on the elected subspecies.

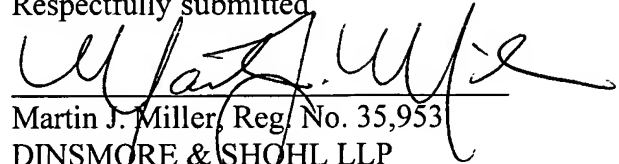
The subspecies election requirement is traversed since Applicants respectfully believe that the Examiner has misconstrued the meaning of "adjacent" and "spaced apart." In fact, in the claims which read upon the elected species of Fig. 2 (claims 11-22), dependent claim 19 introduces the limitation that the first and second lens groups are positioned in a "spaced-apart relationship." However, claim 19 depends from claim 15 which states that the first lens group "includes a convex anterior surface located adjacent said second lens group." The Examiner has taken the erroneous position that claim 15 (as well as claims 16-18) defines a lens system in which the first and second lens groups are in a "non spaced-apart relationship." However, claim 15 merely states that the first lens group includes a convex anterior surface, and that surface is located "adjacent" to the second lens group. With reference to Fig. 2 (and without limiting the scope of the claims herein), for example, the convex anterior surface of lens element 140 (part of the first lens group) is located adjacent to **and** spaced-apart from the posterior surface of lens element 155 (part of the second lens group). Therefore, Applicants respectfully believe that a subspecies election requirement is not warranted.

Application No. 10/689,567
Response dated June 5, 2006
Reply to Office Action of May 4, 2006

It is believed that the above represents a complete response to the outstanding Office Action..

However, please contact the undersigned with any further questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin J. Miller", is written over a horizontal line.

Martin J. Miller, Reg. No. 35,953

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